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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,063	09/17/2003	Vernon Eric Staton	40575-193069	3255

26694 7590 03/27/2007  
VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

EXAMINER
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BERGIN, JAMES S

ART UNIT	PAPER NUMBER
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3641

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/664,063	Applicant(s) STATON, VERNON ERIC	
	Examiner James S. Bergin	Art Unit 3641	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/18/2006 & 1/29/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 6-9, 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Group 1, claims 1-5 and 10-13, and species C (the embodiment depicted in Fig. 4); in the reply filed on 1/29/2007 is acknowledged. The traversal is on the ground(s) that *"the search for both groups can be conducted without serious burden on the examiner"*. This is not found persuasive because the search required for Group I is substantially and significantly different to that required for Group II. Attention is drawn to the different classifications for group I and II as indicated in the Restriction mailed 1/5/2007. A different invention specific field of search would be required for each inventive group, with each field of search requiring the employment of invention specific search queries in a text search across USPAT, USPGPUB, DERWENTS Abstract, EPO Abstract, JPO abstract and potentially other prior art databases, to determine patentability of the elected invention. To conduct such a search for both of the inventions would place a serious burden on the examiner given the time constraints inherent in the examination process.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-9 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group II invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/29/2007.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturman (US 3,313,567).

Regarding claim 1, Sturman discloses a shock protection system for protecting an asset from a shock force, the system comprising: a shaft (15); a plurality of plates (19, 20) mounted on the shaft (15); a panel (12) attached to a first plate (via bracket 25) of the plurality of plates (19, 20) and for receiving the shock force and transmitting a portion of the shock force to the first plate; and a base (13, 11) attached to a second plate of the plurality of the plates and for receiving a portion of the shock force transmitted to the first plate by the panel, wherein the shock force received by the base is less than the shock force.

Sturman's shock absorbing device still properly anticipates the applicant's claimed invention as amended on 10/18/2006. If an explosive device, such as a roadside improvised explosive device (IED), were detonated in front of Sturman bumper, it is inherent that the force transmitted to or received by the base 13, 11 of Sturman's device would be less than the explosive force generated by the IED.

With respect to claim 2, wherein the plates have a concave side and a convex side (19, 20) and (col. 2, lines 45-58).

With respect to claim 3, wherein the plates are disks (19, 20) and (col. 2, lines 45-58).

With respect to claim 4, wherein the plates are Belleville springs (19, 20) and (col. 2, lines 45-58).

With respect to claims 10 and 11, a majority of the plates (19) slide on the shaft (15) when shock force is transmitted to the first plate (fig 4).

With respect to claim 12, the plates are pre-stressed against each other (fig 4).

With respect to claims 13, the panel is sized and shaped to deflect substantially all of the shock force through the system.

### ***Response to Arguments***

5. Applicant's arguments filed 10/18/2006 have been fully considered but they are not persuasive. Sturman's shock absorbing device still properly anticipates the applicant's claimed invention as amended on 10/18/2006. If an explosive device, such as a roadside improvised explosive device (IED), were detonated in front of Sturman bumper, it is inherent that the force transmitted to or received by the base 13, 11 of Sturman's device would be less than the explosive force generated by the IED.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 571-272-6872. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "James S. Bergin", followed by a horizontal line.

James S. Bergin